

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$37,582.23, MORE OR LESS, IN
UNITED STATES CURRENCY,
SEIZED FROM DELBERT LEE
WHETSTONE AT DOCTORS
ORTHOPEDIC CARE;
\$369,072.50, MORE OR LESS, IN
UNITED STATES CURRENCY,
SEIZED FROM U.S. BANK SAFE
DEPOSIT BOX #xx3,

Defendants.

NO.

VERIFIED COMPLAINT FOR
FORFEITURE IN REM

COMES NOW the United States of America, by and through Jenny A. Durkan,
United States Attorney for the Western District of Washington, and Richard E. Cohen,
Assistant United States Attorney for said District, and alleges:

I.

This is a complaint for seizure and forfeiture of \$37,582.23, more or less, in
United States currency, seized from Delbert Lee Whetstone at Doctors Osteopathic Care,
and \$369,072.50, more or less, in United States currency, from U.S. Safe Deposit Box
#xx3 (hereinafter collectively referred to as "the defendant currency").

1 II.

2 This Court has jurisdiction over this action pursuant to Title 28, United States
3 Code, Section 1345, and Title 21, United States Code, Section 881(j).

4 III.

5 This Court has venue pursuant to Title 28, United States Code, Section 1395, and
6 Title 18, United States Code, Section 2254(i).

7 IV.

8 The defendant currency is now and during the pendency of this action will be
9 within the jurisdiction of this Court.

10 V.

11 During 2009 and 2010, Delbert Lee Whetstone (Whetstone) distributed or
12 dispensed, or possessed with intent to distribute or dispense, a controlled substance, in
13 violation of Title 21, United States Code, Section 841(a)(1).

14 VI.

15 The defendant currency constitutes moneys, negotiable instruments, securities, or
16 other things of value furnished or intended to be furnished by any person in exchange for
17 a controlled substance or listed chemical in violation of Title 21, United States Code,
18 Section 841(a)(1), all proceeds traceable to such an exchange, and all moneys, negotiable
19 instruments, and securities used or intended to be used to facilitate a violation of Title 21,
20 United States Code, Section 841(a)(1), and is therefore subject to seizure by, and
21 forfeiture to, the United States of America, pursuant to Title 21, United States Code,
22 Section 881(a)(6).

23 VII.

24 The facts supporting forfeiture of the defendant currency are as set forth in Exhibit
25 A (and attachments thereto), Affidavit of United States Drug Enforcement Administration
26 Special Agent Thomas Clemen, which is attached hereto and incorporated as if fully set
27 forth herein.

VIII.

By reason of the foregoing, there is probable cause to believe that the defendant currency constitutes moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of Title 21, United States Code, Section 841(a)(1), proceeds traceable to such an exchange, moneys, negotiable instruments, and securities used or intended to be used to facilitate a violation of Title 21, United States Code, Section 841(a)(1).

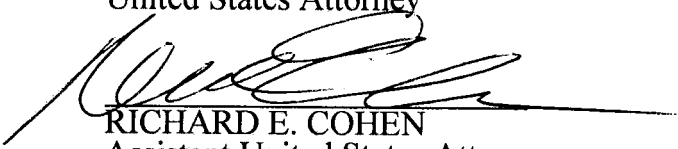
Therefore, pursuant to Title 21, United States Code, Section 881(a)(6), the defendant currency is subject to forfeiture to the United States of America.

WHEREFORE, Plaintiff prays that due process is issued to enforce the forfeiture of the defendant currency, that due notice be given to all interested persons to appear and show cause why forfeiture of the defendant currency should not be decreed, that the defendant currency be condemned as forfeited to the United States to be disposed of according to law, and for such other and further relief as this Honorable Court may deem just and proper.

DATED this 4th day of March, 2011.

Respectfully submitted,

JENNY A. DURKAN
United States Attorney



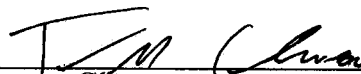
RICHARD E. COHEN
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Telephone: (206) 553-2242
Fax No.: (206) 553-6934
E-mail: Richard.E.Cohen@usdoj.gov

VERIFICATION OF AMENDED COMPLAINT

STATE OF WASHINGTON)
COUNTY OF KING) ss

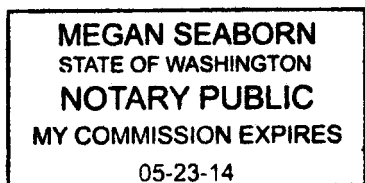
I, Thomas Clemen, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

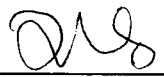
I am a Special Agent with the United States Drug Enforcement Administration, and am assigned to this case. I have read the attached Complaint and know the contents thereof; I have furnished the information contained in the Complaint based upon my own investigation and that of other reliable official Government sources; and, based on information and belief, the allegations contained in the Complaint are true.



Thomas Clemen
Special Agent
United States Drug Enforcement Administration

SUBSCRIBED and SWORN to before me this 14th day of March, 2011, by
Thomas Clemen.





Print: Megan Seaborn
Notary Public in and for the
State of Washington, residing
at Seattle, WA
Expires: 5/23/14